

ORIGINAL

**MORRISON & HECKER** L.L.P.  
ATTORNEYS AT LAW

1150 18th Street N.W., Suite 800  
Washington, D.C. 20036-3816  
Telephone (202) 785-9100  
Telefax (202) 785-9163  
www.moheck.com

EX PARTE OR LATE FILED

Carrie L. McGuire

May 24, 2001

RECEIVED

**VIA HAND DELIVERY**

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> St., S.W.  
Room TW-A325  
Washington, D.C. 20554

MAY 24 2001

~~FEDERAL COMMUNICATIONS COMMISSION~~  
OFFICE OF THE SECRETARY

Re: *CC Docket No. 99-200*  
*Petition for Delegation of Additional Authority Pertaining to NXX Code*  
*Conservation Measures and Number Resource Optimization*  
*Ex Parte Presentation on Behalf of the Michigan Public Service Commission*

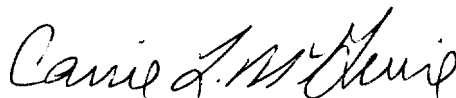
Dear Secretary Salas:

Enclosed, please find three copies of the additional information requested by the Commission regarding the Michigan Public Service Commission's petition for additional delegated authority to implement number conservation measures and number resource optimization. Please stamp and return one of the copies to me in the enclosed envelope.

A copy of this petition is also being forwarded to Ms. Jennifer Gorny at the Commission.

Thank you very much.

Sincerely,



Carrie L. McGuire

cc: Jennifer Gorny

::ODMA\PCDOCS\WDCDOCS\31760\1

No. of Copies rec'd 071  
List A B C D E

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

**RECEIVED  
MAY 24 2001**

<b>In the Matter of:</b>	)	<del>FEDERAL COMMUNICATIONS COMMISSION</del> <b>OFFICE OF THE SECRETARY</b>
	)	
<b>The Michigan Public Service Commission</b>	)	<b>File No. _____</b>
	)	
<b>Petition for Delegation of Additional Authority</b>	)	
<b>Pertaining to NXX Code Conservation Measures,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>Number Resource Optimization</b>	)	<b>CC Docket No. 99-200</b>

**THE MICHIGAN PUBLIC SERVICE COMMISSION'S EX PARTE  
PRESENTATION PURSUANT TO THE COMMISSION'S REQUEST  
FOR ADDITIONAL INFORMATION**

Pursuant to the Commission's request of May 18, 2001, the Michigan Public Service Commission's ("MPSC") hereby provides additional information clarifying its petition for additional delegated authority to implement number conservation measures. Specifically, the MPSC discusses (i) whether jeopardy is facing each Numbering Plan Area ("NPA") within Michigan; (ii) projected exhaust dates for NPAs 248, 810, 517, and 616; and (iii) the relief plans (if any) for each NPA. Pursuant to Section 1.1206 of the Commission's rules, an original and one copy of this letter are being filed with the Office of the Secretary.

**I. Introduction**

The MPSC has been moving aggressively to address the need for area code relief in Michigan. Of the six area code plans forwarded by the Federal Communications Commission ("Commission") on July 28, 2000, relief plans have been ordered by the MPSC on the 517

NPA,<sup>1</sup> the 810 NPA,<sup>2</sup> and the 248 NPA.<sup>3</sup> The MPSC has held the required public hearings and final orders are pending on the 734 and 616 relief plans. The 313 NPA relief plan has a final public hearing scheduled for May 31, 2001. As requested by the Commission, the MPSC hereby provides below additional information regarding Michigan's area code relief activities and jeopardy procedures.

## **II. The 517 NPA**

The 517 NPA relief plan was forwarded to the MPSC on July 28, 2000 and, as mandated by state law,<sup>4</sup> the MPSC held a public hearing on August 31, 2000. The industry-recommended plan to split the geographic area along the Lansing/Saginaw LATA line was ordered by the MPSC on September 15, 2000.<sup>4</sup> However, implementation dates were subsequently modified by MPSC order of November 8, 2000 after a rehearing.<sup>5</sup> The permissive dialing period began April 7, 2001, with mandatory dialing scheduled to begin on October 6, 2001.

Jeopardy was declared in the 517 NPA on May 17, 1999. On January 16, 2001, the Industry Committee established current rationing of 4 Central Office ("CO") codes per month, with carryover to the next month. There are currently 33 CO codes available for allocation; however, that number may change depending on the outcome of the May 2001 lottery, which has not yet been held. Based on current available CO codes and rationing levels, the projected exhaust date for the 517 NPA is December 2001. New CO codes will be available to service

---

<sup>1</sup> U-12552 <http://cis.state.mi.us/mpsc/orders/comm/2000/u-12552c.pdf>

<sup>2</sup> U-12588 <http://cis.state.mi.us/mpsc/orders/comm/2000/u-12588b.pdf>

<sup>3</sup> U-12721 <http://cis.state.mi.us/mpsc/orders/comm/2001/u-12721c.pdf>

<sup>4</sup> Michigan Telecommunications Act 295 of 2000, Sec. 303(4)

<sup>4</sup> The industry-recommended plan refers to the recommendations of the Industry Committee facilitated by the North American Numbering Plan Administrator ("NANPA").

<sup>5</sup> U-12552 <http://cis.state.mi.us/mpsc/orders/comm/2000/u-12552a.pdf>  
<http://cis.state.mi.us/mpsc/orders/comm/2000/u-12552c.pdf>

providers on December 5, 2001. The projected exhaust date of the 517 NPA is also dependent on reclamation activities and voluntary return of CO codes. The 517 NPA is not located in either the Detroit or Grand Rapids Metropolitan Statistical Area ("MSA").

### **III. The 810 NPA**

The 810 NPA relief plan was forwarded to the MPSC on July 28, 2000. Public hearings were held on November 9, 2000 and November 20, 2000. The industry-recommended plan was an all services overlay. However, due to the geographic size of this NPA, the MPSC ordered a geographic split on December 11, 2000.<sup>2</sup> The permissive dialing period will begin September 22, 2001 with mandatory dialing scheduled to commence on March 23, 2002.

Jeopardy was declared in the 810 NPA on April 2, 1999, and current rationing remains at 3 CO codes per month (with carryover to the next month). An imminent exhaust pool was established by the Industry Committee. Currently, there are 19 CO codes available and, based on current rationing levels, the projected exhaust date of the 810 NPA is November 2001. However, the MPSC has been notified that several CO codes have been voluntarily returned in the 810 NPA either due to changes in service areas or programs. These additional CO codes are expected to be returned to the pool of CO codes available for carriers in the 810 NPA after the June conference call which has been scheduled to address this issue. Approximately 50% of the 810 NPA is located in the Detroit MSA.

### **IV. The 248 NPA**

The 248 NPA relief plan was forwarded to the MPSC on July 28, 2000. The public hearing was held December 19, 2000. The industry-recommended plan for an all services

---

<sup>2</sup> The permissive dialing period will begin September 22, 2001 with mandatory dialing scheduled to commence on March 23, 2002.

overlay of the 248 NPA was ordered by the MPSC on April 17, 2001.<sup>3</sup> The permissive dialing period will begin January 26, 2002, with mandatory dialing scheduled to begin on June 8, 2002.

Jeopardy was declared in the 248 NPA on May 17, 1999. The Industry Committee, in its meeting of May 16, 2001, made no changes to the rationing of 6 CO codes per month (with no monthly carryover). Currently, there are 83 CO codes available for allocation, pending the May 2001 lottery. Based on currently available CO code and rationing levels, the projected exhaust date of the 248 NPA is June 2002. Reclamation and the voluntary return of CO codes may increase the number of CO codes available to service providers. CO codes will be available to service providers in the new overlay NPA on July 1, 2002. Nearly 100% of the 248 NPA is located in the Detroit MSA.

#### **V. The 734 NPA**

The 734 NPA relief plan was forwarded to the MPSC on July 28, 2000. On January 9, 2001, the MPSC held a public hearing to discuss area code relief. The industry recommendation for the 734 NPA is an all services overlay and the relief plan order is pending.

Jeopardy has not been declared in the 734 NPA. Currently, there are 160 CO codes available, which are 12 more than in April, 2001. Due to reclamation, voluntary CO code returns, and the low number of CO codes requested each month, the MPSC does not expect the 734 NPA to go into jeopardy proceedings. Approximately 50% of the 734 NPA is located in the Detroit MSA.

---

## **VI. The 313 NPA**

The 313 NPA relief plan was forwarded to the MPSC on July 28, 2000. A public hearing was held on April 30, 2001 and another is scheduled for May 31, 2001. The industry recommendation for the 313 NPA is an all services overlay.

Jeopardy has not been declared in the 313 NPA. Currently, there are 126 CO codes available with reclamation and voluntary return of CO codes expected in the next few months. The 313 NPA is comprised of only 6 rate centers; therefore, the MPSC does not expect jeopardy proceedings. One hundred percent (100%) of the 313 NPA is in the Detroit MSA.

## **VII. The 616 NPA**

The 616 NPA relief plan was forwarded to the MPSC on July 28, 2000. The Industry Committee had earlier modified the 616 NPA by geographic split to create the 231 NPA. Mandatory dialing started in October 1999. In November 1999, the 616 NPA was again placed in jeopardy and area code relief planning started. The current industry-recommended plan is an all services overlay. The MPSC held public hearings on March 19, 2001 and April 24, 2001. The comment period ended on May 8, 2001 and the order is pending.

On May 16, 2001, the Industry Committee lowered the rationing rate from 8 CO codes per month to 5 CO codes per month and eliminated the monthly carryover. Currently, there are 95 CO codes available for allocation. Based on currently available CO codes and rationing levels, the projected exhaust date of the 616 NPA is December 2002. The Industry Committee agreed to reconvene to discuss jeopardy procedures during the implementation meeting for area code relief when the MPSC issues a final order. Reclamation and voluntary CO code return levels may also warrant an Industry Committee meeting to readjust jeopardy allocations.

According to NANPA CO code administration, no carrier has been denied CO codes due to rationing. The Grand Rapids MSA consists of the northern 34.3% of the 616 NPA.

#### **VIII. The 231 NPA**

The 231 NPA is neither in jeopardy nor in need of area code relief. The 231 NPA was created in October 1999 and has 450 CO codes available for allocation. Within the last four months, only 16 CO codes were dispensed to carriers and there were 4 CO codes returned.

#### **IX. The 906 NPA**

The 906 NPA consists of the upper peninsula of Michigan and has 514 CO codes available. The 906 NPA is neither in jeopardy nor in need of area code relief. During the last four months, 6 CO codes have been allocated and 1 CO code was returned.

#### **X. Investigating Additional Options**

One of the possible relief plans forwarded to the MPSC was for a geographic overlay encompassing the current 248, 313, and 734 NPAs.<sup>6</sup> The 248 NPA was recently addressed by an all services overlay<sup>3</sup>. However, the MPSC has requested the NANPA to evaluate the feasibility of a multiple NPA overlay for the 313 and 734 NPAs. The analysis is scheduled to be available for public comment at the 313 NPA public hearing on May 31, 2001.

#### **XI. Conclusion**

Information provided to the Commission clearly documents that the 517, 810, 248, and 616 NPAs, of Michigan, are in jeopardy. Area code relief is currently being addressed by the MPSC as expeditiously as the circumstances and state law permit. Number Reclamation

---

<sup>6</sup> Petition of the NANPA to the FCC, CC Docket 96-98, June 15, 2000.

authority, which was accepted by the MPSC on October 2, 2000, has had limited success.

Numerous parties, including members of the Michigan Legislature, have filed comments in support of the MPSC's petition.

Therefore, the MPSC requests the Commission grant, in whole or in part, its petition for limited delegated authority filed January 26, 2001. Approval of this petition would provide the MPSC with the ability to implement additional numbering conservation measures and reduce the necessity of additional area code relief measures.

Dated: May 24, 2001

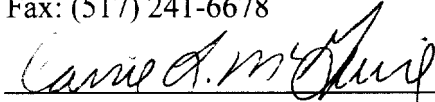
Respectfully submitted,

**MICHIGAN PUBLIC SERVICE COMMISSION**

By Its Attorneys,

JENNIFER M. GRANHOLM  
Attorney General

David A. Voges  
Assistant Attorney General  
Public Service Division  
6545 Mercantile Way, Suite 15  
Lansing, MI 48911  
Telephone: (517) 241-6680  
Fax: (517) 241-6678



Harvey L. Reiter  
David D'Alessandro  
Gregory O. Olaniran  
Carrie L. McGuire  
Morrison & Hecker L.L.P.  
Special Assistant Attorneys General  
1150 18th Street, NW, Suite 800  
Washington, DC 20036-3816  
Telephone: (202) 785-9100 (voice)  
Facsimile: (202) 785-9163